

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2

Loren L. Speziale
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In Re:

**BRIEANNE PEARSON
DEBTOR**

Case No.: 24-17821-JNP
Chapter: 13
Hearing
Date: November 12, 2024 11:00 AM
Judge: Jerrold N. Poslusny, Jr.,
U.S.B.J.

**OBJECTIONS ON BEHALF OF SANTANDER BANK, N.A. f/k/a
SOVEREIGN BANK TO CHAPTER 13 PLAN**

Gross McGinley, LLP, attorneys for the secured creditor, Santander Bank, N.A., f/k/a Sovereign Bank (“the Bank”), hereby objects to the Chapter 13 Plan (the “Plan”) of Debtor Brieanne Pearson, a/k/a Brieanne E. Pearson, a/k/a Brieanne Elizabeth Pearson (“Debtor”) for the following reasons:

1. The Bank is a secured creditor of Debtor as a result of the Bank’s Mortgage, as more fully described below, on the Debtor’s residential real property commonly known as 144 East Bennett Avenue 4, Wildwood, New Jersey (the “Residence”).
2. On or about May 26, 2017, Debtor executed and delivered the Bank, a promissory note in the original principal amount of Seventy Five Thousand Dollars

(\$75,000) ("Note"). As security for the repayment of the amounts due under the Note, on or about the same date, Debtor granted to the Bank an Open End Mortgage on the Residence, which Mortgage was recorded at Book 90, Page 5086536, Cape May County Records (the "Mortgage").

3. According to Part 4(b) of Debtor's Plan, Debtor lists the Bank as a secured creditor and the Plan indicates that the Debtor will pay to the Trustee allowed claims on monthly obligations and the Debtor will pay directly to the Creditor monthly obligations due after the bankruptcy filing.

4. The Bank's filed Proof of Claim (Claim #15) evidences that, in connection with the Mortgage, the amount of arrearages and other charges due to the Bank from Debtor as of the Petition Date totals \$13,613.55. A copy of the Bank's Proof of Claim is attached hereto and made a part hereof as **Exhibit A**.

5. Debtor's Plan should not be confirmed in that it fails to properly provide for proper payment to the Bank as a secured creditor. The Plan provides for payment of \$10,000 to the Bank, but the filed Proof of Claim requires payment of \$13,613.55.

6. The Plan is underfunded as it does not provide for proper payment on the Bank's Mortgage.

7. The Plan leaves the Bank inadequately protected in that its claim is not properly provided for under the Plan.

8. As a result of the foregoing, the Bank objects to the confirmation of Debtor's Plan.

For the foregoing reasons, Santander Bank, N.A. f/k/a Sovereign Bank respectfully requests that its Objections to Debtor's Chapter 13 Plan be sustained.

GROSS MCGINLEY, LLP

Dated: October 8, 2024

/s/ LOREN L. SPEZIALE

Loren L. Speziale, Esq.
Attorney for Creditor
Santander Bank, N.A. f/k/a Sovereign Bank

Fill in this information to identify the case:

Debtor 1	Brieanne Elizabeth Pearson	
Debtor 2 (Spouse, if filing)		
United States Bankruptcy Court for the:	District of	NJ
Case number	24-17821	

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	Santander Bank, N.A. Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)	
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Santander Bank, N.A. Name 450 Penn Street, MC: PA-450-FB1 Number Street Reading, PA 19602 City State ZIP Code Contact phone 484-512-3552 Contact email DeftBkr@santander.us	Santander Bank, N.A. Name P.O. Box 847051 Number Street Boston, MA 02284-7051 City State ZIP Code Contact phone 484-512-3552 Contact email DeftBkr@santander.us	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----			
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____		Filed on _____ MM / DD / YYYY
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Exhibit A

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 3 7 2 1

7. How much is the claim? \$87,833.91. Does this amount include interest or other charges? No Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.

money loaned

9. Is all or part of the claim secured? No Yes. The claim is secured by a lien on property.

Nature of property:

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____

Basis for perfection: Note & Mortgage: 144 E Bennett Avenue 4, Wildwood, NJ 08260

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____

Amount of the claim that is secured: \$87,833.91

Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$13,613.55

Annual Interest Rate (when case was filed) 9.50 %

Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. **Amount necessary to cure any default as of the date of the petition:** \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check one:

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.
 I am the creditor's attorney or authorized agent.
 I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
 I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 09/19/2024
MM / DD / YYYY

/s/Melissa A. Epler

Signature

Print the name of the person who is completing and signing this claim:

Name Melissa A. Epler

First name _____ Middle name _____

Last name _____

Title Bankruptcy Administrator

Company Santander Bank, N.A.

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 450 Penn Street, MC: PA-450-FB1

Number _____ Street _____

Reading, PA 19602

City _____

State _____

ZIP Code _____

Contact phone 484-512-3552

Email _____

DeftBkr@santander.us